



1 Thomas H. Bienert, Jr., State Bar No. 135311  
tbienert@bmkattorneys.com  
2 Kenneth M. Miller, State Bar No. 151874  
kmiller@bmkattorneys.com  
3 Anthony R. Bisconti, State Bar No. 269230  
tbisconti@bmkattorneys.com  
4 BIENERT, MILLER & KATZMAN, PLC  
5 903 Calle Amanecer, Suite 350  
San Clemente, California 92673  
6 Telephone (949) 369-3700  
7 Facsimile (949) 369-3701

8 Attorneys for James Larkin

9 IN THE UNITED STATES DISTRICT COURT  
10 FOR THE CENTRAL DISTRICT OF CALIFORNIA

CV18-6742-RGK(MMAx)

11 **In the Matter of the Seizure of:**

12 Any and all funds held in [REDACTED]  
13 [REDACTED] Account(s) xxxx1889,  
14 xxxx2592, xxxx1938, xxxx2912, and,  
15 xxxx2500.

Case No.

18-MJ-00722

Notice of Related Cases filed for: 18-MJ-00712; 18-MJ-00713; 18-MJ-00715; 18-MJ-00716; 18-MJ-00718; 18-MJ-00719; 18-MJ-00720; 18-MJ-00721; 18-MJ-00723; 18-MJ-00724; 18-MJ-00751; 18-MJ-00797; 18-MJ-00798; 18-MJ-00996; 18-MJ-00997; 18-MJ-01427; and 18-MJ-1863

18 **NOTICE OF ERRATA TO**  
19 **NOTICE OF MOTION TO VACATE OR**  
20 **MODIFY SEIZURE WARRANTS, FILED**  
21 **AUGUST 1, 2018**

22 Hearing Information

23 Date: August 29, 2018

24 Time: 1:30 p.m.

25 Judge: Hon R. Gary Klausner

26 255 E. Temple Street, 7<sup>th</sup> Fl.  
27 Los Angeles, CA 90012  
28

1 Movant James Larkin, by and through his undersigned counsel, hereby files this  
2 Notice of Errata. On August 1, 2018, James Larkin filed, among other things, a *Notice of*  
3 *Motion and Motion to Vacate or Modify Seizure Warrants*. After submitting to the Court,  
4 undersigned counsel identified that the Notice accompanying the motion inadvertently did  
5 not include the Court's initials in the case number, and also listed an incorrect hearing date  
6 in the body of the Notice. The hearing date on the motion is August 29, 2018, at 1:30 p.m.,  
7 as reflected in the caption of the originally-filed notice and pursuant to the self-scheduling  
8 instructions of the Honorable Patrick J. Walsh.

9 Attached hereto as Exhibit 1 is an amended and corrected notice.

10  
11  
12  
13 Dated: August 1, 2018

BIENERT, MILLER & KATZMAN, PLC

14 By: /s/ Thomas H. Bienert

15 Thomas H. Bienert

16 Kenneth M. Miller

17 Anthony R. Bisconti

18 Attorneys for James Larkin  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

# Exhibit 1

1 Thomas H. Bienert, Jr., State Bar No. 135311  
tbienert@bmkattorneys.com  
2 Kenneth M. Miller, State Bar No. 151874  
kmiller@bmkattorneys.com  
3 Anthony R. Bisconti, State Bar No. 269230  
tbisconti@bmkattorneys.com  
4 BIENERT, MILLER & KATZMAN, PLC  
5 903 Calle Amanecer, Suite 350  
San Clemente, California 92673  
6 Telephone (949) 369-3700  
7 Facsimile (949) 369-3701

8 Attorneys for James Larkin

9 IN THE UNITED STATES DISTRICT COURT  
10 FOR THE CENTRAL DISTRICT OF CALIFORNIA

11 **In the Matter of the Seizure of:**

12 Any and all funds held in [REDACTED]  
13 [REDACTED] Account(s) xxxx1889,  
14 xxxx2592, xxxx1938, xxxx2912, and,  
15 xxxx2500.

Case No. 18-MJ-00722-PJW

Notice of Related Cases filed for: 18-MJ-  
00712; 18-MJ-00713; 18-MJ-00715; 18-MJ-  
00716; 18-MJ-00718; 18-MJ-00719; 18-MJ-  
00720; 18-MJ-00721; 18-MJ-00723; 18-MJ-  
00724; 18-MJ-00751; 18-MJ-00797; 18-MJ-  
00798; 18-MJ-00996; 18-MJ-00997; 18-MJ-  
01427; and 18-MJ-1863

17 **AMENDED NOTICE OF MOTION TO**  
18 **VACATE OR MODIFY SEIZURE**  
19 **WARRANTS**

20 Hearing Information Date:

21 August 29, 2018

22 Time: 1:30 p.m.

23 Judge: Hon R. Gary Klausner

24 255 E. Temple Street, 7<sup>th</sup> Fl.  
25 Los Angeles, CA 90012

**TO THE COURT AND ALL PARTIES ENTITLED TO NOTICE:**

**PLEASE TAKE NOTICE** that on August 29, 2018 at 1:30 p.m., or as soon thereafter as counsel may be heard, before the Honorable R. Gary Klausner in Courtroom 790 of the above-captioned court, claimant James Larkin will bring on for hearing his *Motion to Vacate or Modify Seizure Warrants* filed on August 1, 2018, asking the Court to vacate and/or modify the seizure pursuant to Amended Seizure Warrant 18-MJ-00722 on the grounds that seizure violates his rights under the First, Fourth and Fifth Amendments to the United States Constitution. This motion is based upon this Amended Notice, the memorandum of points and authorities in support of the motion, the declarations filed in support of the motion with their accompanying exhibits, and this Court's entire file. Mr. Larkin has concurrently filed a Notice of Related Cases pursuant to Local Rule 83-1.3.2 identifying all related civil forfeiture actions of which he is aware, including case numbers: 18-MJ-00712; 18-MJ-00713; 18-MJ-00715; 18-MJ-00716; 18-MJ-00718; 18-MJ-00719; 18-MJ-00720; 18-MJ-00721; 18-MJ-00723; 18-MJ-00724; 18-MJ-00751; 18-MJ-00797; 18-MJ-00798; 18-MJ-00996; 18-MJ-00997; 18-MJ-1427; and, 18-MJ-1863. Mr. Larkin submits that all these actions should be consolidated and resolved in a single forum because the seizures are based on substantially the same facts, as are the arguments for vacating them.<sup>1</sup>

Dated: August 1, 2018

BIENERT, MILLER & KATZMAN, PLC

By: /s/ Thomas H. Bienert

Thomas H. Bienert

Kenneth M. Miller

Anthony R. Bisconti

Attorneys for James Larkin

<sup>1</sup> Local Rule 7-3 does not apply "in connection . . . with applications for temporary restraining orders or preliminary injunctions. . . ." "[A] pretrial order restraining assets . . . is a preliminary injunction for procedural purposes . . ." *United States v. Roth*, 912 F.2d 1131, 1133 (9th Cir. 1990). Because this motion is in connection with a preliminary injunction, Local Rule 7-3 does not apply.